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**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 3

Ordinance/Resolution# 13-022

For Meeting of \_\_\_\_\_  
 (Ordinance First Reading Date)

For Meeting of September 4, 2012  
 (Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

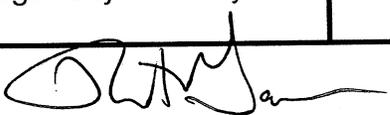
LEGISLATIVE

ADMINISTRATIVE

**TITLE:** A RESOLUTION APPROVING THE EXPANSION OF THE LICENSED PREMISES FOR LIQUOR LICENSE NUMBERS 68007 AND 6168 ISSUED TO CENTRAL TAVERN, LLC D/B/A MIMBRES VALLEY BREWING COMPANY LOCATED AT 915 UNIVERSITY AVENUE, BUILDING 985, SUITE 1B, AND RATIFYING THE APPROVAL OF THE NEW MEXICO REGULATION AND LICENSING DEPARTMENT, ALCOHOL AND GAMING DIVISION.

**PURPOSE(S) OF ACTION:**

Provide approval or disapproval of the expansion of a licensed premises.

<b>COUNCIL DISTRICT: 2</b>		
<b><u>Drafter/Staff Contact:</u></b> Monica Campbell	<b><u>Department/Section:</u></b> Legal/City Attorney	<b><u>Phone:</u></b> 541-2128
<b><u>City Manager Signature:</u></b>		

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

Central Tavern, LLC d/b/a Mimbres Valley Brewing Company ("Mimbres Valley"), which holds Liquor License Numbers 68007 (Small Brewer) and 6168 (Wine Grower), decided to expand its facility to add a patio. Mimbres Valley filed a Change of Floor Plan/Expansion of Liquor Licensed Premise Application for each license with the New Mexico Regulation and Licensing Department, Alcohol and Gaming Division ("Alcohol and Gaming"). The application requested an approximate 24% increase in square footage.

Alcohol and Gaming may require a transfer of location of the license if the requested expansion is greater than 25% of the existing square footage. In this case, Alcohol and Gaming approved the expansion of the licensed premises, as shown on Exhibits "A" and "B" attached to the resolution. It is now appropriate for the City Council, as the local governing body, to approve the expansion of Mimbres Valley and to ratify the approval of Alcohol and Gaming.

(Continue on additional sheets as required)

**SUPPORT INFORMATION:**

1. Resolution.
2. Exhibit "A". Change of Floor Plan/Expansion of Liquor Licensed Premise Application for Liquor License No. 68007 (Small Brewer).
3. Exhibit "B". Change of Floor Plan/Expansion of Liquor Licensed Premise Application for Liquor License No. 6168 (Wine Grower).
4. Attachment "1". Floor plan of expansion of licensed premises.

**SOURCE OF FUNDING:**

N/A	<b>Is this action already budgeted?</b>	
	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
		See fund summary below
		If No, then check one below:
		Expense reallocated from: _____
		Proposed funding is from a new revenue source (i.e. grant; see details below)
		Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>
	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY ____.	
		There is no new revenue generated by this action.

**BUDGET NARRATIVE**

N/A
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**FUND EXPENDITURE SUMMARY:**

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will approve the expansion of the licensed premises at Mimbres Valley and ratify the approval of Alcohol and Gaming.
2. Vote "No"; this must be based on substantial evidence that the expansion of the licensed premises at Mimbres Valley would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces.
3. Vote to "Amend"; this is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.

(Continue on additional sheets as required)

4. Vote to "Table"; this is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.

**REFERENCE INFORMATION:**

N/A

(Continue on additional sheets as required)

RESOLUTION NO. 13-022

A RESOLUTION APPROVING THE EXPANSION OF THE LICENSED PREMISES FOR LIQUOR LICENSE NUMBERS 68007 AND 6168 ISSUED TO CENTRAL TAVERN, LLC D/B/A MIMBRES VALLEY BREWING COMPANY LOCATED AT 915 UNIVERSITY AVENUE, BUILDING 985, SUITE 1B, AND RATIFYING THE APPROVAL OF THE NEW MEXICO REGULATION AND LICENSING DEPARTMENT, ALCOHOL AND GAMING DIVISION.

The City Council is informed that:

**WHEREAS**, Central Tavern, LLC d/b/a Mimbres Valley Brewing Company ("Mimbres Valley"), which holds Liquor License Numbers 68007 (Small Brewer) and 6168 (Wine Grower), decided to expand its facility to add a patio; and

**WHEREAS**, Mimbres Valley filed a Change of Floor Plan/Expansion of Liquor Licensed Premise Application for each license with the New Mexico Regulation and Licensing Department, Alcohol and Gaming Division ("Alcohol and Gaming"); and

**WHEREAS**, Alcohol and Gaming has approved the expansion of Mimbres Valley's licensed premises as shown on Exhibits "A" and "B"; and

**WHEREAS**, it is now appropriate for the City Council to approve the expansion of Mimbres Valley and ratify the approval of Alcohol and Gaming.

**NOW, THEREFORE**, Be it resolved by the governing body of the City of Las Cruces:

(I)

**THAT** the expansion of the licensed premises of Mimbres Valley Brewing Company for Liquor License Numbers 68007 and 6168 is hereby approved.

(II)

**THAT** the approval by the New Mexico Regulation and Licensing Department, Alcohol and Gaming Division, of the expansion of the licensed premises of Mimbres Valley Brewing Company, is hereby ratified.

(III)

THAT a copy of this resolution shall be conveyed to the Director of the Alcohol and Gaming Division of the New Mexico Regulation and Licensing Department, Post Office Box 25101, Santa Fe, New Mexico 87504-5101.

(IV)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the hereinabove.

DONE AND APPROVED on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(SEAL)

VOTE:

Mayor Miyagishima: \_\_\_\_\_  
Councillor Silva: \_\_\_\_\_  
Councillor Smith: \_\_\_\_\_  
Councillor Pedroza: \_\_\_\_\_  
Councillor Small: \_\_\_\_\_  
Councillor Sorg: \_\_\_\_\_  
Councillor Thomas: \_\_\_\_\_

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney



New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION

Toney Anaya Building • 2180 Cereillos Road • Santa Fe, New Mexico 87504  
(505) 476-4875 • Fax (505) 476-4895 • [www.nmreg.gov](http://www.nmreg.gov)

Fee \$75.00 Fees are Non-Refundable

CHANGE OF FLOOR PLAN / EXPANSION OF LIQUOR LICENSED PREMISE APPLICATION  
15 NMAC 10.3.2 13.1

A Licensee may not change or expand the licensed premises without prior written approval of the Director. Applications to change or expand the licensed premises shall be submitted along with the required documentation and application fee. If the change or expansion of the licensed premises is twenty-five (25%) or more of the total existing square footage of the licensed premises, the Director may require the licensee to file an application for a transfer of location. Proof of tenancy and photographs with a detailed floor plan are required for the expansion area. Please attach a copy of your existing approved floor plan along with an 8 1/2 x 11 detailed floor plan that includes the existing approved premises and any proposed change or expansion. Please label all areas and include all entrances, exits, walls or enclosures as well as dimensions for any expansion. The licensee cannot make any changes or expand the premises until approval has been granted for this request. A before and after site inspection may be scheduled.

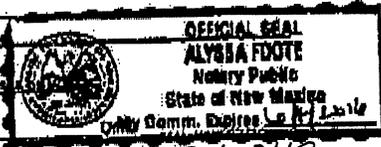
Liquor License Number 69007 Telephone Number 575-262-2763 Fax Number \_\_\_\_\_  
Business Name (DBA) MIMBRES VALLEY BREWING CO. Owner Name Central Tavern, LLC  
Mailing Address 200 S. Good Ave City Deming State NM Zip 88034  
License Location 915 UNIVERSITY AVE. BLDG 955 3RD FB City LAS CRUCES State NM Zip 87801  
Current square footage 490 Additional square footage you would like to add/change 245  
Total square footage (add both amounts above) 1235 Reason for request PATIO ADDITION  
Will the proposed expansion bring the licensed premises within 300 feet of a church or school? WAIVER OBTAINED  
Has there been any change in the ownership or operation of the licensee? NO  
If so, explain \_\_\_\_\_

I, BEVAN REED (print name) Licensee for Liquor License No. \_\_\_\_\_ hereby attest that the requested change meets the definition of "licensed premises" in NMSA 1978 60-3A-3 (M), which states in part " 'licensed premises' means the contiguous areas or areas connected by indoor passageways of a structure and the outside dining, recreation and lounge areas of the structure that are under the direct control of the licensee..."

Submitted by (print name) BEVAN REED  
Signature [Signature] This MANAGING MEMBER / Date 7/18/12

SUBSCRIBED AND SWORN TO before me this 18<sup>th</sup> Day of July 20 12 by Alyssa Foote  
Notary Public [Signature] My Commission Expires: \_\_\_\_\_

LOCAL GOVERNING BODY APPROVAL - (Required on expansion requests)  
Print Name Robert Garza Title City Manager  
Signature \_\_\_\_\_ Mailed 575-541-2076 Fax 575-541-2119



Alcohol and Gaming Use Only [Signature] Approved \_\_\_\_\_ Disapproved \_\_\_\_\_  
By \_\_\_\_\_ Date 7-20-12

Revision date 02/12

JUL 20 12 10:22a

Angele Gebaldon

6068316016

p.2



New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION

Tency Anaya Building • 2580 Central Road • Santa Fe, New Mexico 87505  
(505) 476-4874 • Fax (505) 476-4888 • www.nm.gov

Fee \$75.00 Fees are Non-Refundable

CHANGE OF FLOOR PLAN / EXPANSION OF LIQUOR LICENSED PREMISE APPLICATION  
16 NMAC 10.3.1 13.1

A Licensee may not change or expand the licensed premises without prior written approval of the Director. Applications to change or expand the licensed premises shall be submitted along with the required documentation and application fee. If the change or expansion of the licensed premises is twenty-five (25%) or more of the total existing square footage of the licensed premises, the Director may require the licensee to file an application for a transfer of location. Proof of license and photographs with a detailed floor are required for the expansion area. Please attach a copy of your existing approved floor plan along with an 8 1/2 x 11 detailed floor plan that includes the existing approved premises and any proposed change or expansion. Please label all areas and include all entrances, exits, walls or enclosures as well as dimensions for any expansion. The licensee cannot make any changes or expand the premises until approval has been granted for this request. A before and after site inspection may be scheduled.

Liquor License Number 6168 Telephone Number 575-266-2763 Fax Number \_\_\_\_\_  
Business Name (DBA) MURDER VALLEY BEVERAGE Co. Owner Name CENTRAL TOWN LLC  
Mailing Address 200 S. GOLD AVE City DEMING State NM Zip 88530  
License Location 915 UNIVERSITY AVE BLDG 985 STE 1A City LAS CRUCES State NM Zip 88201  
Current square footage 990 Additional square footage you would like to add/change 245  
Total square footage (add both amounts above) 1235 Reason for request Perio Addition  
Will the proposed expansion bring the licensed premises within 300 feet of a church or school? WAIVER OBTAINED  
Has there been any change in the ownership or operation of the licensee? NO  
If so, explain \_\_\_\_\_

I, BRYAN REED (print name) Licensee for Liquor License No. \_\_\_\_\_ hereby attest that the requested change meets the definition of "licensed premises" in NMSA 1978 60-2A-3 (D), which states in part: "licensed premises" means the contiguous areas or areas connected by indoor passageways of a structure and the outside dining, recreation and lounge areas of the structure that are under the direct control of the licensee..."

Submitted by (print name) Bryan Reed  
Signature [Signature] Title MANAGING MEMBER Date 7/16/12

SUBSCRIBED AND SWORN TO before me this 15<sup>th</sup> Day of July 20 12 by Alyset [Signature]  
Notary Public: Alyset [Signature] My Commission Expires: \_\_\_\_\_  
OFFICIAL SEAL  
ALYSSA FOOTE  
Notary Public  
State of New Mexico  
My Comm. Expires 6/12/16

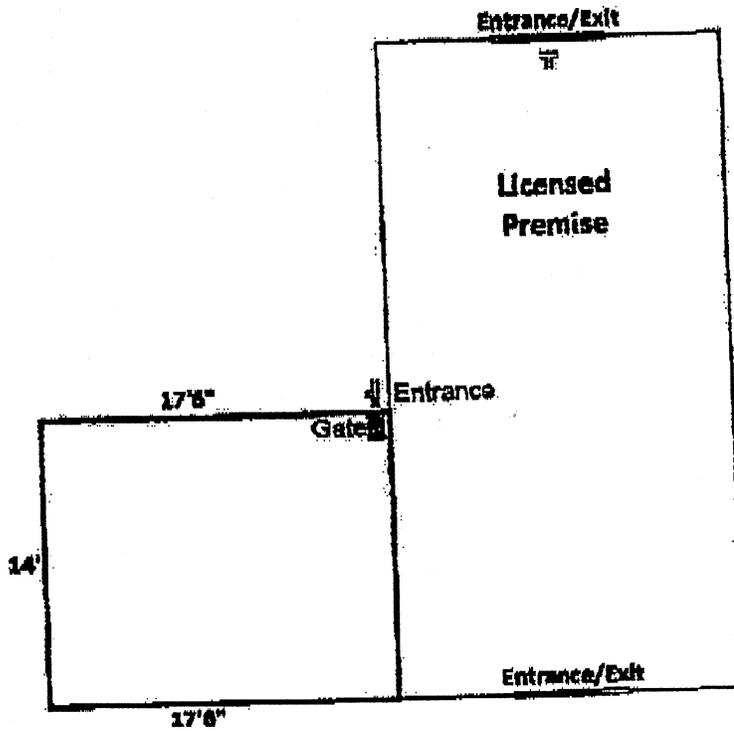
LOCAL GOVERNING BODY APPROVAL - (Required on expansion requests only)  
Print Name: Robert Garza Title: City Manager Date: \_\_\_\_\_  
Signature: \_\_\_\_\_ Phone: 575-541-2076 Fax: 575-541-2119

Accepted and Being Use Only: [Signature] Approved \_\_\_\_\_ Disapproved \_\_\_\_\_  
By: \_\_\_\_\_ Date: 7-20-12

Revision date: 02/12

JUL 20 12 10:23a

Angela Gebaldon



MIMBRES VALLEY BREWING COMPANY    245sq.ft.  
 (24% Increase)

**FLOOR PLAN APPROVAL**

By *[Signature]*

Date 7-20-12